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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☒ **DUPLICATE**

JAN 22 2002

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

| | |
|------------------------|------------------------------|
| Attorney Docket No. | 1310-2 |
| First Named Inventor | Joseph Porcelli |
| Examiner Name | Naschica Sanders Morrison |
| Group / Art Unit | 3632 |
| Express Mail Label No. | EL659107723US |

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),
(continued prosecution application (CPA)) of prior application number 09 / 356,771
filed on July 16, 99, entitled CAR AND TRUCK BEVERAGE HOLDER

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☒ Enter the unentered amendment previously filed on November 20, 2001 (COPY ENCLOSED) under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
.....
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

01/29/2002 SSITHIB1 00000105 09356771

01 FC:231

370.00 OP

| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|---|---------|------------------|------------------|---------------------------------|------------------|
| TOTAL CLAIMS (37 C.F.R. § 1.16(c) or) | 6 | -20* = | - | x \$ 18.00 = | \$ - |
| INDEPENDENT CLAIMS (37 F.R. § 1.16(b) or (f)) | 2 | -3** = | - | x \$ 84.00 = | - |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d)) | | | | + \$ - = | - |
| | | | | BASIC FEE (37 C.F.R. § 1.16) | \$ 740.00 |
| | | | | Total of above Calculations = | - |
| Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28). | | | | | \$ 370.00 |
| * Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent. | | | | TOTAL = | \$ 370.00 |

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 07 - 0130:

- a. ☒ Fees required under 37 C.F.R. § 1.16.
b. ☒ Fees required under 37 C.F.R. § 1.17.
c. ☐ Fees required under 37 C.F.R. § 1.18.

8. ☒ A check in the amount of \$ 775.00 is enclosed.9. ☒ Other: Request for 3 Month Extension of Time

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NOTE:

The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

| 10. NEW CORRESPONDENCE ADDRESS | | | | | |
|--|-----------------------------|---|--------------|----------|--------------|
| <input type="checkbox"/> Customer Number or Bar Code Label | | <input type="checkbox"/> New correspondence address below | | | |
| (Insert Customer No. or Attach bar code label here) | | | | | |
| Name | Thomas M. Galgano | | | | |
| | GALGANO & BURKE | | | | |
| Address | 300 Rabro Drive - Suite 135 | | | | |
| City | Hauppauge | State | NY | Zip Code | 11788 |
| Country | USA | Telephone | 631.582.6161 | Fax | 631.582.6191 |

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | |
|-----------------------------------|--------------------------|
| Name (Print/Type) | Thomas M. Galgano |
| Signature | <i>Thomas M. Galgano</i> |
| Registration No. (Attorney/Agent) | 27,638 |
| Date | 1/22/02 |

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on November 20, 2001

By: Thomas M. Galgano Date: November 20, 2001



AMENDMENT UNDER 37 C.F.R. 1.116
EXPEDITING PROCEDURE
EXAMINING GROUP NO. 3632

PATENT
DOCKET NO. 1310-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Joseph E. Porcelli
SERIAL NO.: 09/356,771
FILED : July 16, 1999
TITLE : CAR AND TRUCK BEVERAGE HOLDER
EXAMINER : N. Sanders
GROUP : 3632

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AMENDMENT UNDER 37 C.F.R. 1.116

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

In response to the final Office Action dated July 20, 2001, please
amend the above-identified application as follows: